

SCHEDULES

SCHEDULE 9

SAVING PROVISIONS

[^{F1}Electronic communications apparatus]

F1 2003 c. 21

1. Subject to paragraph 2, nothing in this Order or in any order made under it shall affect any rights conferred by or in accordance with the [^{F2} electronic communications code] on the operator of [^{F2} an electronic communications code network] or apply to any [^{F2} electronic communications apparatus] kept installed for the purposes of [^{F2} any such network].

F2 2003 c. 21

2.—(1) Where in pursuance of an order under Article 68 any road is stopped-up or abandoned and, immediately before that order comes into force there is under, in, upon, over, along or across the road any [^{F3} electronic communications apparatus] kept installed for the purposes of [^{F3} an electronic communications code network], the operator of [^{F3} that network] shall have the same powers in respect of that apparatus as if the order had not come into force; but the Department or any person in whom the site of the road is vested shall be entitled to require the alteration of the apparatus.

(2) [^{F4} Paragraph [^{F5}108(2)] of Schedule 3A to the Communications Act 2003 (the electronic communications code)] (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of sub-paragraph (1) as it applies for the purposes of the code.

(3) [^{F6} Part 6 of the electronic communications code (rights to require removal of apparatus)] shall apply in relation to any entitlement conferred by sub-paragraph (1) to require the alteration, moving or replacement of any apparatus as it applies in relation to an entitlement to require the removal of any such apparatus.

F3 2003 c. 21

F4 Words in Sch. 9 para. 2(2) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\), s. 118\(6\), Sch. 3 para. 34\(2\)](#); S.I. 2017/1286, reg. 2(d)

F5 Word in Sch. 9 para. 2(2) substituted (28.12.2017 immediately after Digital Economy Act 2017 (c. 30), Sch. 3 comes into force) by [The Communications Act 2003 and the Digital Economy Act 2017 \(Consequential Amendments to Primary Legislation\) Regulations 2017 \(S.I. 2017/1285\), reg. 1\(1\)\(2\), Sch. 1 para. 29\(2\)](#)

F6 Words in Sch. 9 para. 2(3) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\), s. 118\(6\), Sch. 3 para. 34\(3\)](#); S.I. 2017/1286, reg. 2(d)

[^{F7}3. [^{F8}Part 10] of the [^{F9} electronic communications code] (which provides a procedure for certain cases where works involve the alteration of [^{F9} electronic communications apparatus]) shall apply—

Changes to legislation: There are currently no known outstanding effects for the *The Roads (Northern Ireland) Order 1993, Electronic communications apparatus.* (See end of Document for details)

- (a) to the Department for the purposes of any work authorised to be carried out under this Order; and
- (b) without prejudice to the provisions of the Street Works (Northern Ireland) Order 1995 relating to major road works, major bridge works or major transport works, to any person to whom a licence is issued under Article 76 for the purposes of any work authorised by that licence.]

F7 1995 NI 19

F8 Words in Sch. 9 para. 3 substituted (28.12.2017) by Digital Economy Act 2017 (c. 30), s. 118(6), Sch. 3 para. 34(4); S.I. 2017/1286, reg. 2(d)

F9 2003 c. 21

Changes to legislation:

There are currently no known outstanding effects for the The Roads (Northern Ireland) Order 1993, Electronic communications apparatus.